

# Analysis of Comprehensive Risk Assessments Administered in 2020

Cliff Kusaj, Psy.D.

Chief Psychologist

Forensic Assessment Division

Cliff. Kusaj@cdcr.ca.gov

# Observed Recidivism Base Rate Comparisons at Three Years Post-Release

	Shorter-term Parolees Released Without Discretion in California (FY 15-16)	Longer-term Parolees Discretionarily Released in California (FY 15-16)
Violent Crime Convictions	<b>7%</b>  (Felony Crimes Against Persons)	<b>0.7%</b>  (Felony Crimes Against Persons)
All Misdemeanor and Felony Convictions	<b>44.6%</b>  (22.1% felony and 22.5% misdemeanor convictions)	<b>3.2%</b>  (1.8% felony and 1.4% misdemeanor convictions)

# Long-Term Parolees Non-Discretionarily Released

	All Arrests Within Three Years	All Convictions Within Three Years
Determinately sentenced parolees denied parole by the Board but released between 2016 and 2018 at the conclusion of determinate terms.	15 of 71 (33.8%)	9 of 71 (12.7%)

# Risk Categories

Risk Category	Definition
Low Risk	Non-elevated risk relative to long-term parolees and <b>well below average risk</b> relative to shorter-term parolees released without discretion.
Moderate Risk	Elevated risk relative to long-term parolees and non-elevated or <b>below average to average risk</b> relative to shorter-term parolees released without discretion.
High Risk	Markedly elevated risk relative to long-term parolees and <b>average to above average risk</b> relative to shorter-term parolees released without discretion.

## Low, Moderate, and High Risk (2020)

- Of 4,089 CRAs administered in 2020, psychologists opined (**22%**) of examinees were Low Risk, (**45%**) were Moderate Risk and (**33%**) were High Risk.
- Most long-term incarcerated persons (**67%**) were assessed by psychologists to represent non-elevated risk relative to shorter-term parolees released without discretion.

## Risk Categories and Average Classification Scores and Ages

	Average Classification Score	Average Age
Low	24.1	52.3
Moderate	36.2	51.8
High	104.4	48.3

## HCR-20-V3's Twenty Risk Factors Assessed to be *Present To Some Degree*

	<b>Average Number of Risk Factors Assessed To Be Present to Some Degree</b>
Low	11 of 20 Risk Factors
Moderate	15 of 20 Risk Factors
High	17 of 20 Risk Factors

# Risk Categories and Historic Risk Presence

	History of Problems With Other Antisocial Behavior	History of Problems With Substance Use	History of Problems With Personality Disorder	History of Problems With Treatment Or Supervision Response	History of Problems With Traumatic Experiences
Low	90%	84%	75%	89%	88%
Mod	96%	91%	88%	98%	88%
High	98%	93%	94%	100%	81%



# Risk Categories and Historic Risk *Relevance*

	<i>Current High Relevance of History of Problems With Other Antisocial Behavior</i>	<i>Current High Relevance of History of Problems With Substance Use</i>	<i>Current High Relevance of History of Problems With Personality Disorder</i>	<i>Current High Relevance of History of Problems With Treatment Or Supervision Response</i>	<i>Current High Relevance of History of Problems With Traumatic Experiences</i>
Low	3%	12%	5%	4%	4%
Mod	27%	32%	35%	30%	10%
High	74%	59%	73%	85%	18%

# History of Problems with Major Mental Disorder

	<b>Present to Some Degree (H6)</b>
Low	31%
Moderate	39%
High	54%

# History of Problems with Major Mental Disorder

- Of long term incarcerated persons with history of problems with major mental disorder,
  - 16% were rated low risk.
  - 41% were rated moderate risk.
  - 43% were rated high risk.

## Recent Problems with Symptoms of Major Mental Disorder

	Present to Some Degree (C3)
Low	10%
Moderate	22%
High	42%

## Recent Problems with Symptoms of Major Mental Disorder

- Of long term incarcerated persons with recent problems with symptoms of mental disorder,
  - 9% were rated low risk.
  - 38% were rated moderate risk.
  - 54% were rated high risk.

## *Current Relevance of Recent Problems with Symptoms of Major Mental Disorder, When Present to Some Degree*

	<b>Low Relevance</b>	<b>Medium Relevance</b>	<b>High Relevance</b>
Low Risk	49%	47%	4%
Moderate Risk	29%	53%	18%
High Risk	13%	35%	52%

# Clinical and Risk Management Problems

Clinical or *Recent* Problems and Risk Management or *Future* Problems Differentiate Low, Moderate, and High Risk Groups Better than *Historic* Problems.

# Recent Problems with Instability

	<b>Present to Some Degree (C4)</b>	<b>Assessed to be Highly Relevant to Current Risk</b>
Low	8%	1%
Moderate	43%	12%
High	82%	66%



# Recent Problems with Instability

- Of long term incarcerated persons with recent problems with instability,
  - 4% were rated low risk.
  - 40% were rated moderate risk.
  - 56% were rated high risk.

# Recent Problems with Treatment or Supervision Response

	<b>Present to Some Degree (C5)</b>	<b>Assessed to be Highly Relevant to Current Risk</b>
Low	20%	1%
Moderate	68%	24%
High	93%	83%

# Recent Problems with Treatment or Supervision Response

- Of long term incarcerated persons with recent problems with treatment or supervision response,
  - 7% were rated low risk.
  - 46% were rated moderate risk.
  - 48% were rated high risk.

# Recent Problems with Insight

	<b>Present to Some Degree (C1)</b>	<b>Assessed to be Highly Relevant to Current Risk</b>
Low	45%	3%
Moderate	88%	34%
High	93%	72%

# Recent Problems with Insight

- Of long term incarcerated persons with recent problems with insight,
  - 12% were rated low risk.
  - 49% were rated moderate risk.
  - 38% were rated high risk.

# Future Problems with Stress or Coping (Anticipated In the Community)

	<b>Present to Some Degree (R5)</b>	<b>Assessed to be Highly Relevant to Current Risk</b>
Low	92%	12%
Moderate	97%	46%
High	97%	86%

## Future Problems with Stress or Coping (Anticipated In the Community)

- Of long term incarcerated persons expected to have future problems with stress and coping,
  - 21% were rated low risk.
  - 45% were rated moderate risk.
  - 34% were rated high risk.

# Risk Categories and Psychopathy Checklist (PCL-R) Total Scores

	Average total PCL-R Score (0 – 40)
Low	15.2
Moderate	19.4
High	23.5



# Risk Categories and Psychopathy Checklist (PCL-R) Total Scores

- Of those who obtained a PCL-R Total Score of 30 or greater
  - 0% were Low Risk
  - 17% were Moderate Risk
  - 83% were High Risk

# Discontinued Administration of the PCL-R

- Psychopathic personality characteristics (e.g., high PCL-R scores) are linked to general and violent recidivism, supervision failure, treatment noncompliance, and other unfavorable outcomes.

# Discontinued Administration of the PCL-R

- The HCR-20-V3 does not require that psychopathy be assessed and removal of the PCL-R from the HCR-20-V3 does not weaken the predictive validity of the instrument.
- HCR-20-V3 item content is sufficiently broad to incorporate relevant content areas contained within the PCL-R.
- Although combining instruments potentially increases users' confidence in risk assessments, there is no evidence that combining instruments leads to more valid assessments.

# Static-99R

Static-99 Risk Category	Percent	Recidivism Estimate
Very Low Risk	2%	Non-Offender
Below Average Risk	11%	< 1%
Average Risk	44%	1.3% to 2.8%
Above Average Risk	31%	4.8%
Well Above Average Risk	13%	20.2%

# Static-99R

- Of those who obtained Well-Above Average Static-99R Ratings
  - 2% were Low Risk
  - 40% were Moderate Risk
  - 59% were High Risk

# Comparing Youth and Non-Youth Offenders

	<b>YO (N = 2,097 )</b>	<b>Non-YO (N= 1,992)</b>
Low	20%	24%
Moderate	43%	47%
High	37%	29%

# Comparing Youth and Non-Youth Offenders

- Youth Offenders in 2020 were fifteen years-younger than non-Youth Offenders (43 years-old versus 58 years-old) and more likely to be determinately sentenced (37% versus 3%).

## Comparing ISL and DSL Long-Termers

	ISL (N=3,241)	DSL (N=848)
Low	25%	9%
Moderate	46%	40%
High	29%	51%



## Comparing ISL and DSL Long-Termers

	ISL	DSL
Average Age	54	39
Highly Relevant Recent Problems With Violent Ideation or Intent	14%	30%
Highly Relevant Recent Problems With Instability	25%	40%
Highly Relevant Recent Problems With Treatment or Supervision Response	35%	54%
Highly Relevant Recent Problems with Insight	38%	47%
Highly Relevant Future Problems With Accessing Professional Services	25%	34%
Highly Relevant Future Problems with Treatment or Supervision Response	42%	57%

# Elderly Parolees and Non-Elderly Parolees

	EP (N=870)	NON – EP (N=3,219)
Low	26%	21%
Moderate	47%	44%
High	27%	35%

## Indeterminately Sentenced 3<sup>rd</sup> Strike Long Termers

	<b>ISL 3<sup>RD</sup> Strikers (N= 1,052)</b>	<b>All Other ISL Long-termers (N = 2,185)</b>
Low	19%	28%
Moderate	46%	46%
High	35%	26%

# Gender Comparisons: Overall Risk

	<b>Persons Housed at An Institution for Women (N = 131)</b>	<b>Persons Housed at An Institution for Men (N = 3,958)</b>
Low Risk	40%	21%
Moderate Risk	36%	45%
High Risk	24%	34%

# Risk Categories and Hearing Type

	<b>Initial (N=2,591)</b>	<b>Sub 1 (N=440)</b>	<b>Sub 2-3 (N=402)</b>	<b>Sub 4-6 (N=349)</b>	<b>Sub 7-11 (N=204)</b>	<b>Sub 12+ (N=85)</b>
Low	19%	23%	32%	30%	25%	27%
Moderate	43%	50%	45%	46%	58%	48%
High	39%	28%	24%	23%	17%	25%

# Risk Categories and Age Groups

	<b>≤ 35</b> (N=439)	<b>36 to 40</b> (N=513)	<b>41 to 44</b> (N=423)	<b>45 to 49</b> (N=564)	<b>50 to 55</b> (N=605)	<b>56 to 59</b> (N=475)	<b>60≥</b> (N=1,070)
Low	16%	16%	23%	25%	19%	24%	26%
Moderate	36%	39%	42%	48%	48%	48%	48%
High	48%	45%	35%	27%	33%	29%	26%

# Distribution of Risk Categories by Length of Incarceration

<b>Risk Category</b>	<b>&lt; 10 Years (N = 135)</b>	<b>10 – 20 Years (N = 1,290)</b>	<b>21-30 Years (N = 1,964)</b>	<b>30+ Years (N = 672)</b>
Low	28%	19%	23%	23%
Moderate	39%	42%	46%	49%
High	33%	39%	31%	28%

# Parole Decisions Associated With Each Risk Category

	<b>Low Risk (N=787)</b>	<b>Moderate (N=1,361)</b>	<b>High Risk (N=684)</b>
Grant	70%	21%	<1%
Denial	30%	73%	74%
Stipulation	<1%	6%	25%
Total	100%	100%	100%



# Distribution of Risk Categories By Parole Decision

<b>Risk Category</b>	<b>Grants N=836</b>	<b>Denials N=1,738</b>	<b>Stipulations N=258</b>
Low Risk	65%	14%	2%
Moderate	34%	57%	33%
High Risk	<1%	29%	65%
Total	100%	100%	100%

# Parole Decisions and Assessed Risk

	Grants	Denials	Stipulations
Average Risks Assessed Present to Some Degree	12	15	16
Average Risks Assessed to Have <i>High Current Relevance</i>	<2	6	9
PCL-R Total Score	17	20	22

# Parole Decisions and Dynamic Risks

	Grants		Denials		Stipulations	
	Present	Relevant	Present	Relevant	Present	Relevant
Recent Problems with Insight	53%	7%	86%	42%	92%	60%
Recent Problems with Instability	13%	2%	50%	25%	77%	50%
Recent Problems with Treatment or Supervision Response	26%	6%	72%	37%	89%	65%

# Parole Decisions and Dynamic Risks

	Grants		Denials		Stipulations	
	Present	Relevant	Present	Relevant	Present	Relevant
Anticipated Problems with Personal Support	38%	6%	56%	20%	61%	30%
Anticipated Problems Managing Stress	93%	23%	98%	54%	98%	67%
Anticipated Problems with Treatment or Supervision Compliance	54%	12%	86%	46%	95%	66%

# Parole Decisions and Major Mental Disorder

	Grants		Denials		Stipulations	
	Present	Relevant	Present	Relevant	Present	Relevant
History of Major Mental Disorder	33%	2%	43%	10%	50%	16%
Recent Symptoms of Major Mental Disorder	12%	2%	26%	9%	36%	15%

# Parole Decisions and Race/Ethnicity (Following CRAs administered in 2020)

	<b>American Indian (N=51)</b>	<b>Black (N = 1,448)</b>	<b>Hispanic and Mexican (N = 1,508)</b>	<b>White (N = 789)</b>	<b>Other (N = 293)</b>
Grants	20%	29%	30%	28%	35%
Denials	70%	63%	58%	65%	56%
Stipulations	10%	8%	12%	6%	9%

# Low and Moderate Risk Grants and Denials

	Low Risk Grants	Low Risk Denials	Moderate Risk Grants	Moderate Risk Denials
Average Risks Assessed Present to Some Degree	11	11	14	15
Average Risks Assessed to Have <i>High Current Relevance</i>	<1	1	3	4

# Comparing Parole Denial Lengths

	3-YR (N= 1,032)	5-YR (N= 529)	7-YR (N= 144)	10 TO 15 (N=33)
Average Risks Assessed Present to Some Degree	14	16	17	16
Average Risks Assessed to Have <i>High Current Relevance</i>	4	7	10	10



# Continuum of Lower and Higher Risk Within the Moderate Risk Category

	PCL-R TOTAL	HIGHLY RELEVANT RISK	MODERATE AND HIGHLY RELEVANT RISKS	PAROLE GRANTED	PAROLE DENIED	STIPULATED
MODERATE (LOWER)	19	<1	11	20%	75%	5%
MODERATE (MEDIUM)	19	3	12	24%	70%	7%
MODERATE (HIGHER)	21	9	14	18%	75%	7%

# Summary of Recent Changes Made to CRAs

- More concise reports and better alignment with structured decision-making framework while maintaining usefulness, reliability, and validity;
  - Reduced redundancy by combining and reorganizing some clinical content areas and by removing nonessential information (e.g., Mental Status Examination) or information contained elsewhere (e.g., Prior CRAs);
  - Discontinued PCL-R administration.
- More efficient use of psychologists time spent reviewing source documents and reproducing such information in reports;
  - Graduate Legal Assistant source document research (e.g., criminal histories; rules violation histories).
- Recognition of the spectrum of “moderate” risk by adding qualifiers:
  - Moderate (Lower); Moderate (Medium); and Moderate (Higher)